

**CITY OF MOUNT VERNON**  
**Skagit County, Washington**  
**January 1, 1992 Through December 31, 1992**

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**Schedule Of Findings**

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1. The City Should Ensure That Acquisition Of Right-Of-Ways Are Handled In Accordance With Federal Requirements

In conjunction with major street improvements funded in part by Highway Planning and Construction funds from the Department of Transportation, it was necessary for the City of Mount Vernon to acquire certain parcels of property for right-of-way. During the right-of-way acquisition process the city did not notify property owners of their right to be present during an appraisal of their property.

The *Local Agency Guideline* manual issued by WSDOT, Chapter II, Division 5, states in part:

For a project to be eligible for federal funding on any phase of the project, the projects right-of-way, if purchased on or after July 1, 1971, must have been acquired in accordance with the requirements of this manual. (Emphasis added.)

Section II-5-07 states in part:

... However, if federal funds are to be used in any phase of the project, federal guidelines must be followed in the acquisition of the right-of-way. (Emphasis added.)

Federal right-of-way acquisition procedures, as specified in 49 CFR 24.102 (c) state:

Owners must be given an opportunity to accompany each appraiser during his inspection of the property.

In failing to provide notification to property owners of their right to accompany the appraiser during inspection of their property the city has not complied with Federal right-of-way acquisition requirements. As none of the federal funds received were utilized in purchasing right-of-way property, there are no questioned costs of federal funds involved.

This instance of noncompliance is primarily due to the city's unfamiliarity with federal right-of-way acquisition procedures and failure to adequately review appraisal procedures.

We recommend that the city establish procedures to ensure that all federal requirements be followed during the acquisition of right-of-way where federal funds are involved.